

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION, AT MONTGOMERY, ALABAMA

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2007 MAY 23 A 9:33
CLERK OF DISTRICT COURT
MIDDLE DISTRICT ALA

GENE COGGINS
Plaintiff

V:

Civil Action No. 3:07 cv 406 - MEF-SRW

TALLAPOOSA COUNTY
and TALLAPOOSA COUNTY SHERIFF DEPARTMENT
Defendants

ANSWER TO ORDER, DATE MAY 17, 2007

COMES NOW, THE PLAINTIFF WITH THIS ANSWER TO ORDER DATED MAY 17, 2007. IN THIS ORDER LAST PAGE, ITEM MARKED 0.2, "THAT PLAINTIFF COGGINS SHALL SHOW CAUSE, IN WRITING BY MAY 29, 2007, AS TO WHY THIS LAWSUIT SHOULD NOT BE DISMISSED WITHOUT PREJUDICE TO", 28 U. S. C. s/s1915 (e) (2) (B) (i)-(iii)..

I KNOW THAT SOMETIMES THIS PHRASE TO SHOW CAUSE BECOMES THE MOST USED MEANS OF DENYING A CITIZEN THE RIGHT TO A DUE PROCESS OF LAW. THIS IS VISIBLE IN YOUR ORDER, WHERE YOU DENIED THIS GUARANTEED CONSTITUTIONAL RIGHT, BY NOT HAVING THE SUMMONS DELIVERED WITH THIS COMPLAINT AS GIVEN IN THE FEDERAL RULES OF CIVIL

P.

01.

1. ON THE FIRST PAGE OF MY COMPLAINT SHOWS CAUSE WHY THIS CASE WAS PLACED IN THIS COURT IN THE BEGINNING, "THIS COMPLAINT IS FILED AGAINST THE DEFENDANTS, ABOVE THAT IS INVOLVED IN DESTROYING MY CONSTITUTION RIGHTS AS AN AMERICAN CITIZEN. I KNOW THIS IS HARD TO UNDERSTAND, BUT THIS DOES INVOLVE GUARANTEED CONSTITUTION RIGHTS, THAT THE ABOVE HAS DENIED ANY EXISTING FOR ME.

2. ON THE FIRST PAGE OF MY COMPLAINT SHOWS THAT THE DEFENDANTS ARE LISTED AS, **TALLAPOOSA COUNTY AND THE TALLAPOOSA COUNTY SHERIFF DEPARTMENT.** THE ADDRESS WAS SENT TO THE **TALLAPOOSA COUNTY DISTRICT ATTORNEY OFFICE ONLY**, NO WHERE IN THE COMPLAINT WAS THE DISTRICT ATTORNEY EVER MENTIONED. YOUR ATTEMPT TO USE THIS SHOWS THE LACK OF TIME SPENT LOOKING AT THE COMPLAINT.

3. AGAIN ON PARAGRAPH NO. 2, OF PAGE NO. 04, " THAT THE COMPLAINT FAILS TO STATE A CLAIM OR SHOW CAUSE, OVER WHICH THIS COURT HAS JURISDICTION", AGAIN SOMEONE FAILED TO READ AND UNDERSTAND, PAGE NO. 05 ON MY COMPLAINT FED. R. 28, U. S. C. A. s/s s/s 1331, s/s 1251, et seq... JURISDICTION OF THE COURT ARE BASED UPON THREE FACTS;

1. THAT THE DEFENDANT HAS BEEN PROPERLY SERVED WITH ON GOING PROCESS,
2. THAT THE CONTROVERSY EXCEEDS A CERTAIN SUM,
3. THAT THE PARTIES ARE CITIZENS OF THE UNITED STATES..

Nobel V: Union River Logging Railroad Co. 147 U. S. 165, 13, S. Ct. 271, 37, L. Ed. 123..

ALL OF THE ABOVE QUALIFICATIONS FOR PROPER JURISDICTIONS ARE MET, ACCORDING TO THE GIVEN LAWS ABOVE., THEREFORE THIS WORN OUT EXCUSE ABOUT JURISDICTION IS A WASTE OF TIME, AND ANOTHER EXAMPLE OF NOT ABIDING OR ALLOWING ME MY DUE PROCESS OF LAW. WITH THIS CONTINUES OF NOT FOLLOWING THE DUE PROCESS OF LAW, LIKE IN THE SERVICE OF THE SUMMONS TO THE DEFENDANTS, USING EXCUSES TO PROTECT THE DEFENDANTS BY NOT WANTING, OR BEING ABLE TO SEE THE CAUSE OF THIS ACTION, BRINGING UP JURISDICTION, WHERE PLAINLY MY GUARANTEED CONSTITUTION RIGHTS HAVE BEEN DENIED. WHEN A COMPLAINT OR PETITION HAS BEEN FILED IN WRITING TO THE PROPER GOVERNMENT AUTHORITY IN THE REDRESS OF SOME WRONG OR PRIVILEGES OF GRIEVANCES THE COURT MUST TAKE PROPER ACTION IN DISSOLVING THIS DISPUTE IS GUARANTEED BY THE FIRST AMENDMENT OF THE CONSTITUTION IN THE UNITED STATES GOVERNMENT. THE FEDERAL DISTRICT COURT IN YOUR OPINION, MAY, OR MAY NOT BE THE CORRECT PLACE TO CORRECT AN ERROR OF LAW MADE IN THE STATE COURTS, BUT THIS IS THE REQUIRED FIRST STEP IN THIS PROCESS, TRYING TO USE THE ELEVENTH AMENDMENT AS AN EXCUSE THAT TALLAPOOSA COUNTY AND THE TALLAPOOSA COUNTY SHERIFF DEPARTMENT CANNOT BE SUED, THE ELEVENTH AMENDMENT STATES " THE JUDICIAL POWER OF THE UNITED STATES SHALL NOT BE CONSTRUED TO EXTEND TO ANY SUIT IN LAW OR EQUITY, COMMENCED OR PROSECUTED AGAINST ONE OF THE UNITED STATES **BY CITIZENS** OF ANOTHER STATE, OR BY CITIZENS ,OR SUBJECTS OF

ANY FOREIGN STATE”.. I KNOW THIS IS HARD TO UNDERSTAND, THAT A CITIZEN FROM ANOTHER STATE CANNOT SUE THIS STATE, THIS DOES NOT FREE THIS STATE OR ANY OFFICIALS FROM BEING SUED BY LIFE TIME CITIZENS FROM THIS STATE. . IF ANY STATE LAWS STATES DIFFERENT FROM THIS THEN THAT LAW IS ILLEGAL, FOR FEDERAL LAWS HAVE PRESTIGE OVER ANY STATE LAWS...

A STATE CANNOT EXCLUDE A PERSON FROM THE PRACTICE OF LAW, OR FROM ANY OTHER OCCUPATION IN A MATTER OF FOR REASONS THAT CONTRAVENE THE DUE PROCESS OF OR EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT.. 535, U. S. At 238-239, 77 S. Ct. At 756..

WHERE A PREJUDICIAL ERROR OCCURS IN ANY COURT THE PLAINTIFF HAS OBLIGATIONS, LEGAL RIGHTS, AND GROUNDS FOR A NEW TRIAL AND REVERSAL OF JUDGMENT WHICH MAY AFFECT OR PRESUMPTIVELY AFFECT ANY THREAT TO WHAT HAS BEEN TERMED AN ACCUSED SIGNIFICANT STAKES, PSYCHOLOGICAL, PHYSICAL, AND FINANCIAL IN THE PROCESS WHICH MAY ULTIMATELY DEPRIVE HIM OF LIFE, LIBERTY, PROPERTY, OR PRECEPT OF HAPPINESS. U.S. V; Dreyer C.A.N.J. 533, Fed. 2d, 112, 115. A PREJUDICIAL ERROR AFFECTS THE PLAINTIFFS LEGAL RIGHTS AND OBLIGATIONS. Erskine V: Upham 56 Cal. App. 2d, 235, 132, P. 2d, 219, 228. Trepanier V: Standard Min. & Mill Co. 58 Wyo. 29, 123, P. 2d, 378, 380.. SUCH ACTION IN A CIVIL OR CRIMINAL CASE WOULD RESULT IN GROUNDS FOR A NEW TRIAL OR REVERSAL OF JUDGMENT. Fed. R. Civil P. 59.. A PREJUDICIAL ERROR IS ONE WHICH EFFECTS THE FINAL RESULTS OF THE TRIAL.. STATE V: GILCRIST 15 Was. App. 892 P. 2d, 690, 693..

Sheppard V: Maxwell 384, U. S. 333, 86 S. Ct. 1507, 16 , L. E. D. , 2d, 600..

On PAGE NO.3 OF ORDER, YOU CLAIM “THAT A VARIETY OF IMMUNITY DOCTRINES WOULD BAR PLAINTIFF’S CLAIM”;

1. LIKE THE COMPLAINT IS FRIVOLOUS OR MALICIOUS, FRIVOLOUS IS DESCRIBED AS ONE THAT IS CLEARLY INSUFFICIENT ON IT’S FACE AND DOES NOT CONTROVERT THE MATERIAL POINTS OF PLEADING. THIS CANNOT BE ANY PART OF THE COMPLAINT I FILED AGAINST THE DEFENDANTS, FOR I INCLUDED THE CAUSE OF ACTION PLAINLY AS DESTROYING MY CONSTITUTION RIGHTS, AND GAVE CASE’S TO PROVE THE FACTS. THO THE FACE VALUE OF INDIVIDUAL RIGHTS AS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES, HAS A GREAT MEANING TO ME, THIS COURT AND IT’S OFFICIALS THAT TOOK THE OATH OF OFFICE TO UP-HOLD THE CONSTITUTION OF THE UNITED STATES, AND OTHER FEDERAL LAWS THAT PROTECTS THE DUE PROCESS, APPEARS TO HAVE NO MEANING TO THE VALUES THAT THIS REPRESENTS.

2. THE TERM MALICIOUS; IS DESCRIBED AS WILFULLY MISAPPLYING COURT PROCESS TO OBTAIN OBJECT NOT INTENDED BY LAW. WITH THIS DEFINITION AS FOUND IN THE BLACKS LAW DICTIONARY, MAKES THIS ANOTHER EXCUSE TO DENY MY DUE PROCESS OF LAW. THE CONSTITUTION OF THE UNITED STATES GIVES EVERY CITIZEN GUARANTEED RIGHTS THAT NO COURT CAN DENY OR DEPRIVE THE RIGHT TO BE HEARD IN COURT. WHERE THIS RIGHT HAS BEEN ABUSED OR DENIED, THE FEDERAL GOVERNMENT SET UP A DUE PROCESS FOR ALL CITIZENS TO PRESENT THIS CLAIM AGAINST DETERMINED DEFENDANTS,

THAT THEY MAY HAVE THEIR DAY IN COURT, OR TO BE HEARD BY A JURY OF THEIR PEERS. THEREFORE THIS DOES NOT APPLY TO THIS CASE.

IN (ii) "FAILS TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED", HERE AGAIN IN MY COMPLAINT, I STATED, THE CAUSE OF ACTION OR A STATEMENT OF CLAIM ON THE FRONT PAGE DENYING OR DESTROYING MY CONSTITUTIONAL RIGHTS, AND MANY TIMES MORE IN MY COMPLAINT. THIS IS SO PLAIN AND TO THE POINT OF LAW THAT ANY FIRST GRADER COULD UNDERSTAND.

THE PRINCIPAL AUTHORITY AS A REASONABLY PRUDENT MAN USUALLY INCLUDES WHATEVER IS NECESSARY IN CARRYING OUT AND PROTECTING THE DUE PROCESS OF LAW AS FOUND IN THE 5th AMENDMENT OF THE UNITED STATES CONSTITUTION, AGAIN IN THE 14th. AMENDMENT WHICH PROTECTS A PERSON FROM STATE ACTIONS WHERE THE PERSON IS GUARANTEED FAIR PROCEDURES AND SUBSTANTIVE UNDER SAFEGUARDS FOR THE PROTECTION OF INDIVIDUALS RIGHTS AS ESTABLISHED IN OUR SYSTEM OF JURISPRUDENCE FOR THE ENFORCEMENT AND PROTECTION OF PRIVATE RIGHTS.


(iii) "SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF".. HERE THIS IS COVERED IN PAGE 03. AND 04. OF MY ANSWER. WHERE THE ELEVENTH AMENDMENT OF THE UNITED STATES GIVES ME THIS RIGHT.. AGAIN YOU HAVE NO LEGAL EXCUSE TO DENY THE COMPLAINT FILED IN THE DISTRICT COURT, FOR THIS IS WITHIN MY RIGHT AS GIVEN IN THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION..

WITH YOU DENYING MY RIGHT TO USE THE APPENDIX SYSTEM,
 THEREFORE WITH THIS ATTITUDE PROBLEM AND SHOWING AN IMPARTIAL
 FORM OF JUSTICE AGAINST ME. WHEN THIS DENIAL BRINGS ON AN APPEAL OR
 TRIAL BY JURY, CREATES A TRIPLE COST ON THE TOTAL JUDGMENT REQUESTED
 IN THE COMPLAINT. YOUR BEST ORDER WOULD BE TO SEND ME A
 FINAL ORDER WHERE THIS CAN BE APPEALED TO A JUST COURT , IF ONE CAN BE
 FOUND.. UNDER THE PRESENT ORDER I RECEIVED, WHERE EVERY THING I
 HAVE DONE IS ABUSING THE LEGAL SYSTEM, THERE APPEARS TO BE A
 WASTE OF TIME FOR ME TO MENTION THAT THERE IS A GUARANTEED
 CONSTITUTION RIGHT THAT EXIST FOR A CERTAIN CLASS OF PEOPLE, THAT A
 SPEEDY TRIAL IS GIVEN IN THE FEDERAL ACT OF 1974, THAT SET OUT AND
 ESTABLISHED TIME LIMITS ON ALL EVENTS THAT ARE CARRIED OUT IN THE
 JUDICIAL SYSTEM, AS SO PLACED ON THE SHORT TERM CALENDER SO AS TO
 ASSURE A SPEEDY TRIAL.. THE 7th. AMENDMENT OF THE UNITED STATES
 CONSTITUTION REQUIRES A TRIAL BY AN IMPARTIAL JURY, EITHER **CIVIL OR**
CRIMINAL ON ALL ISSUES BETWEEN THE PARTIES, WHETHER THEY BE ISSUES
 OF LAW OR FACTS, WITH NO RESTRAINTS OR ILLEGAL COST ADDED ON, BEFORE
 A COURT THAT HAS PROPER JURISDICTION.. Fed. R. Civil P. 38 (a), 48 Crim. P. 23,
 33, Fed. R. Civil P. 59..

CONCLUSION:

WITH ALL OF THE ILLEGAL ATTEMPT MADE IN NOT CORRECTLY HANDLE
 THIS CASE, WHERE GUARANTEED CONSTITUTION RIGHTS ARE DENIED TO A

LIFE TIME CITIZEN OF THE UNITED STATES AND RESIDENT OF THE STATE OF ALABAMA, THESE GIVEN LAWS ARE NOT TO BE DENIED BY ANY ONE OR COURT, BY PREJUDGING THIS CASE AND LOOKING AT THE EVIDENCE FROM ALL OF THE CASES INVOLVED, NOT WANTING TO SEE THE CAUSE OF ACTION, NOT ABLE TO UNDERSTAND THE GUARANTEED CONSTITUTIONAL RIGHTS THAT EVEN APPLY TO ME AS AN INDIVIDUAL CITIZEN, AND BY NOT FOLLOWING THE DUE PROCESS OF LAW. THIS WRONGFUL ACT OF OMISSION EMBRACES THE DISHONESTY THAT HAS BEEN CARRIED OUT IN THIS CASE. Greco V: S. S. Kresge Co. 2777, N. Y. 26, 12, N. E. 2d, 557, 562,, Hilkert V: Canning 58, Ariz. 290,119, P. 2d, 233, 236..


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